



State of California
Respiratory Care Board
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Inquiry: I recently started a homecare company after working as a branch manager and Regional Valley President for a healthcare company for a number of years. Recently, I was given the attached letter you wrote in 1994 which indicated that a home oxygen company needs to have a medical director to supervise the RCPs, even if they are involved only in patient education. Since this is the first time I have heard of this requirement, I would like to ask you a couple of questions: (1) Is a medical director still required, even in light of the more recent Stark Laws? (2) If so, what would this person's responsibilities entail in a home care organization? (3) Unless I have overlooked it, I have seen no indication of this requirement in either the material from the Board of Pharmacy (pertaining to an MDR Permit), Medicare or in the JCAHO standards. How is this requirement being communicated to the various respiratory companies and who is responsible for enforcement?

Response: In response to your inquiry regarding the requirement of a medical director to supervise RCPs if the RCPs are only involved in patient education, please be advised that there is no prohibition for this activity in the Respiratory Care Practice Act or its regulations; that is, the Respiratory Care Practice Act is mute on this matter.

Reference # 2000-C-28